

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV41

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|--------------------------------------|---|-------------------------|
| SYNERGY FINANCIAL, L.L.C, and |) | |
| NYNC, LLC, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| Vs. |) | <u>O R D E R</u> |
| |) | |
| FRANCIS A. ZARRO, JR.; |) | |
| AMERICAN PASTIME HOLDINGS, |) | |
| INC.; and Z-HeMa, LLC, |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER is before the Court on the Plaintiffs' motion for default judgment as to the Defendants American Pastime Holdings, Inc., and Z-HeMa, LLC, and Plaintiffs' motion for summary judgment as to the Defendant Francis Zarro, Jr.

The motion for default judgment will be deferred until after a ruling on the Plaintiffs' motion for summary judgment and the summary judgment motion is respectfully referred to the Magistrate Judge for a memorandum and recommendation.

IT IS, THEREFORE, ORDERED that the ruling on the Plaintiffs' motion for default judgment is hereby deferred until after a ruling is issued on the motion for summary judgment.

The Clerk is requested to refer the Plaintiffs' motion for summary judgment to the Magistrate Judge.

Signed: June 17, 2005



Lacy H. Thornburg
United States District Judge

